

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MYRIAM YASHEI ROSARIO,

Plaintiff,

v.

Civil No. 17-1103 (FAB)

UNITED STATES DEPARTMENT OF
DEFENSE, *et al.*,

Defendants.

MEMORANDUM AND ORDER

BESOSA, District Judge.

A district court may refer a pending motion to a magistrate judge for a report and recommendation. See 28 U.S.C. § 636(b)(1)(B); Fed.R.Civ.P. 72(a); Loc. Rule 72(b). Any party adversely affected by the report and recommendation may file written objections within fourteen days of being served with the magistrate judge's report. Loc. Rule 72(d). See 28 U.S.C. § 636(b)(1). A party that files a timely objection is entitled to a *de novo* determination of "those portions of the report or specified proposed findings or recommendations to which specific objection is made." Ramos-Echevarria v. Pichis, Inc., 698 F.Supp.2d 262, 264 (D.P.R. 2010); Sylva v. Culebra Dive Shop, 389 F.Supp.2d 189, 191-92 (D.P.R. 2005) (citing United States v. Raddatz, 447 U.S. 667, 673 (1980)). Failure to comply with this rule precludes further review. See Davet v. Maccorone, 973 F.2d

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22, 30-31 (1st Cir. 1992); Borden v. Secretary of H.H.S., 836 F.2d 4, 6 (1st Cir. 1987). In conducting its review, the court is free to "accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(a)(b)(1); Templeman v. Chris Craft Corp., 770 F.2d 245, 247 (1st Cir. 1985); Alamo Rodriguez v. Pfizer Pharmaceuticals, Inc., 286 F.Supp.2d 144, 146 (D.P.R. 2003). Furthermore, the Court may accept those parts of the report and recommendation to which the parties do not object. See Hernandez-Mejias v. General Elec., 428 F.Supp.2d 4, 6 (D.P.R. 2005) (citing Lacedra v. Donald W. Wyatt Detention Facility, 334 F.Supp.2d 114, 125-126 (D.R.I. 2004)).

On July 10, 2017, the United States magistrate judge issued a Report and Recommendation ("R&R") recommending that an order for approval of a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, (Docket No. 1), be denied, (Docket No. 18). The parties had until July 24, 2017 to object to the R&R. Neither party objected. Accordingly, the parties have waived the right to further review in the district court. See Davet, 973 F.2d at 30-31.

The Court has made an independent examination of the entire record in this case and **ADOPTS** the magistrate judge's finding and recommendation.

CONCLUSION

Accordingly, plaintiff's motion requesting an order for approval of a request under the Freedom Information Act is **DENIED**. This case is **DISMISSED with prejudice**.

Judgment shall be entered accordingly.

IT IS SO ORDERED.

San Juan, Puerto Rico, July 25, 2017.

s/ Francisco A. Besosa
FRANCISCO A. BESOSA
UNITED STATES DISTRICT JUDGE